

WC 09-35

DOCKET FILE COPY ORIGINAL
NOWALSKY, BRONSTON & GOTHARD

A Professional Limited Liability Company

Attorneys at Law

3500 North Causeway Boulevard
Suite 1442

Metairie, Louisiana 70002

Telephone: (504) 832-1984

Facsimile: (504) 831-0892

Leon L. Nowalsky
Benjamin W. Bronston
Edward P. Gothard

Philip R. Adams, Jr.

US BANK/FCC MAR 13 2009

March 9, 2009

**BY OVERNIGHT DELIVERY
AND ELECTRONIC FILING**

Federal Communications Commission
Wireline Competition Bureau
9300 E. Hampton Drive
Capitol Heights, MD 20743

FCC c/o US Bank (Via U.S. Mail)
Wireline Competition Bureau - CPD- 214 Appls.
P.O. Box 979091
St. Louis, MO 63197-9000

RE: Combined application for consent to the transfer of control of a business which has Blanket Domestic Interstate 214 Authority - Transfer of NetLojix Telecom, Inc. Transferor to First Choice Technology, Inc., Transferee

Dear Sir or Madam:

Enclosed please find the following documents submitted on behalf of NetLojix Telecom, Inc. and First Choice Technology, Inc..

1. The original and four (4) copies of an Application for consent to the transfer of control of a business which has blanket domestic interstate 214 authority.
2. The original and four (4) copies of FCC Form 159.
3. Our AMEX number authorizing a charge in the amount of \$965.00 representing the filing fee for this Application.

Should you have any questions or require additional information, please do not hesitate to contact me.

I would appreciate if you would return a copy of this letter, date-stamped, in the envelope provided.

Sincerely,

Leon Nowalsky
Leon Nowalsky

Enclosures
cc: FCC Copy Contractor

NOWALSKY, BRONSTON & GOTHARD

A Professional Limited Liability Company

Attorneys at Law

3500 North Causeway Boulevard
Suite 1442

Metairie, Louisiana 70002

Telephone: (504) 832-1984

Facsimile: (504) 831-0892

Philip R. Adams, Jr.

Leon L. Nowalsky
Benjamin W. Bronston
Edward P. Gothard

Received & Inspected

MAR 10 2009

FCC Mail Room

RECEIVED
3/11/09 FCC/WB/CPD
March 9, 2009

BY OVERNIGHT DELIVERY AND ELECTRONIC FILING

Federal Communications Commission
Wireline Competition Bureau
9300 E. Hampton Drive
Capitol Heights, MD 20743

FCC c/o US Bank (Via U.S. Mail)
Wireline Competition Bureau - CPD- 214 Appls.
P.O. Box 979091
St. Louis, MO 63197-9000

RE: Combined application for consent to the transfer of control of a business which has Blanket Domestic Interstate 214 Authority - Transfer of NetLojix Telecom, Inc. Transferor to First Choice Technology, Inc., Transferee

Dear Sir or Madam:

Enclosed please find the following documents submitted on behalf of NetLojix Telecom, Inc. and First Choice Technology, Inc..

1. The original and four (4) copies of an Application for consent to the transfer of control of a business which has blanket domestic interstate 214 authority.
2. The original and four (4) copies of FCC Form 159.
3. Our AMEX number authorizing a charge in the amount of \$965.00 representing the filing fee for this Application.

Should you have any questions or require additional information, please do not hesitate to contact me.

I would appreciate if you would return a copy of this letter, date-stamped, in the envelope provided.

Sincerely,

Leon Nowalsky
Leon Nowalsky

Enclosures

cc: FCC Copy Contractor

READ INSTRUCTIONS CAREFULLY
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION
REMITTANCE ADVICE
FORM 159

Approved by OMB
3060-0589
Page No. 1 of 2

(1) LOCKBOX #		SPECIAL USE ONLY	
		FCC USE ONLY	
SECTION A - PAYER INFORMATION			
(2) PAYER NAME (If paying by credit card enter name exactly as it appears on the card) Leon Nowalsky		(3) TOTAL AMOUNT PAID (U.S. Dollars and cents) \$965.00	
(4) STREET ADDRESS LINE NO. 1 3500 N. Causeway Blvd. #1442			
(5) STREET ADDRESS LINE NO. 2			
(6) CITY Metairie		(7) STATE LA	(8) ZIP CODE 70002
(9) DAYTIME TELEPHONE NUMBER (include area code) 504-832-1984		(10) COUNTRY CODE (if not in U.S.A.)	
FCC REGISTRATION NUMBER (FRN) REQUIRED			
(11) PAYER (FRN) 0005659958		(12) FCC USE ONLY	
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C) COMPLETE SECTION BELOW FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET			
(13) APPLICANT NAME First Choice Technology, Inc.			
(14) STREET ADDRESS LINE NO. 1 601 N. Orlando Ave., Suite 211			
(15) STREET ADDRESS LINE NO. 2			
(16) CITY Maitland		(17) STATE FL	(18) ZIP CODE 32751
(19) DAYTIME TELEPHONE NUMBER (include area code) (407) 629-0950		(20) COUNTRY CODE (if not in U.S.A.)	
FCC REGISTRATION NUMBER (FRN) REQUIRED			
(21) APPLICANT (FRN) 0011088416		(22) FCC USE ONLY	
COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET			
(23A) CALL SIGN/OTHER ID	(24A) PAYMENT TYPE CODE CUT	(25A) QUANTITY	
(26A) FEE DUE FOR (PTC)	(27A) TOTAL FEE \$965.00	FCC USE ONLY	
(28A) FCC CODE 1		(29A) FCC CODE 2	
(23B) CALL SIGN/OTHER ID	(24B) PAYMENT TYPE CODE	(25B) QUANTITY	
(26B) FEE DUE FOR (PTC)	(27B) TOTAL FEE	FCC USE ONLY	
(28B) FCC CODE 1		(29B) FCC CODE 2	
SECTION D - CERTIFICATION			
CERTIFICATION STATEMENT I, <u>LEON NOWALSKY</u> , certify under penalty of perjury that the foregoing and supporting information is true and correct to the best of my knowledge, information and belief.			
SIGNATURE <u>[Signature]</u>		DATE <u>3-9-09</u>	
SECTION E - CREDIT CARD PAYMENT INFORMATION			
MASTERCARD _____ VISA _____ AMEX _____ DISCOVER _____			
ACCOUNT NUMBER _____		EXPIRATION DATE _____	
I hereby authorize the FCC to charge my credit card for the service(s)/authorization herein described.			
SIGNATURE _____		DATE _____	

SEE PUBLIC BURDEN ON REVERSE

FCC FORM 159

FEBRUARY 2003

FEDERAL COMMUNICATIONS COMMISSION
REMITTANCE ADVICE (CONTINUATION SHEET)
FORM 159-C

Page No 2 of 2

USE THIS SECTION ONLY FOR EACH ADDITIONAL APPLICANT
SECTION BB - ADDITIONAL APPLICANT INFORMATION

(13) APPLICANT NAME Netloix Telecom. Inc.		SPECIAL USE	
(14) STREET ADDRESS LINE NO. 1 7001 Boulevard 26		FCC USE ONLY	
(15) STREET ADDRESS LINE NO. 2			
(16) CITY N. Richland Hills		(17) STATE TX	(18) ZIP CODE 76180
(19) DAYTIME TELEPHONE NUMBER (include area code) 805-884-6396		(20) COUNTRY CODE (if not in U.S.A.)	
FCC REGISTRATION NUMBER (FRN) REQUIRED			
(21) APPLICANT (FRN) 0000010942		(22) FCC USE ONLY	
COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET			
(23A) CALL SIGN/OTHER ID	(24A) PAYMENT TYPE CODE	(25A) QUANTITY	
(26A) FEE DUE FOR (PTC)	(27A) TOTAL FEE	FCC USE ONLY	
(28A) FCC CODE 1		(29A) FCC CODE 2	
(23B) CALL SIGN/OTHER ID	(24B) PAYMENT TYPE CODE	(25B) QUANTITY	
(26B) FEE DUE FOR (PTC)	(27B) TOTAL FEE	FCC USE ONLY	
(28B) FCC CODE 1		(29B) FCC CODE 2	
(23C) CALL SIGN/OTHER ID	(24C) PAYMENT TYPE CODE	(25C) QUANTITY	
(26C) FEE DUE FOR (PTC)	(27C) TOTAL FEE	FCC USE ONLY	
(28C) FCC CODE 1		(29C) FCC CODE 2	
(23D) CALL SIGN/OTHER ID	(24D) PAYMENT TYPE CODE	(25D) QUANTITY	
(26D) FEE DUE FOR (PTC)	(27D) TOTAL FEE	FCC USE ONLY	
(28D) FCC CODE 1		(29D) FCC CODE 2	
(23E) CALL SIGN/OTHER ID	(24E) PAYMENT TYPE CODE	(25E) QUANTITY	
(26E) FEE DUE FOR (PTC)	(27E) TOTAL FEE	FCC USE ONLY	
(28E) FCC CODE 1		(29E) FCC CODE 2	
(23F) CALL SIGN/OTHER ID	(24F) PAYMENT TYPE CODE	(25F) QUANTITY	
(26F) FEE DUE FOR (PTC)	(27F) TOTAL FEE	FCC USE ONLY	
(28F) FCC CODE 1		(29F) FCC CODE 2	

MAR 10 2009

FCC Mail Room

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of

NetLojix Telecom, Inc., Transferor
and
First Choice Technology, Inc., Transferee

Application Pursuant to Section 214 of the
Communications Act of 1934 and
Section 63.24 of the Commission's Rules for
Consent to the Transfer/Assignment of
NetLojix Telecom, Inc., Transferor
to
First Choice Technology, Inc, Transferee

File No. ITC _____

and

Application Pursuant to Section 214 of the
Communications Act of 1934 and
Section 63.04 of the Commission's Rules for
Consent to the Transfer of
of
NetLojix Telecom, Inc., Transferor
to
First Choice Technology, Inc., Transferee

WC Docket No. _____

Attention: International Bureau and Wireline Competition Bureau

**COMBINED/JOINT INTERNATIONAL AND DOMESTIC
APPLICATION FOR
TRANSFER OF CONTROL**

Pursuant to section 214 of the Communications Act of 1934, as amended (the "Act"), and sections 63.04 and 63.24 of the Commission's rules, this Application seeks Commission approval to transfer/assign control of the telecommunications assets of NetLojix Telecom, Inc. ("NetLojix") to First Choice Technology, Inc. ("First Choice") (collectively referred to as "Applicants"). NetLojix and First Choice hold authority to provide domestic and international

telecommunications services pursuant to section 214 of the Act.¹ The Agreement provides that First Choice will purchase substantially all of the telecommunications assets of NetLojix (the "Acquisition"). The Acquisition will therefore result in the assignment of NetLojix's 214 authorities to First Choice. Following consummation of the transaction, NetLojix will relinquish their 214 authorities.

Netlojix is a provider of interstate, international and intrastate interexchange telecommunications services. The customers of NetLojix will benefit from this transaction through the increased resources and assets available to First Choice, which will help to both ensure continuity of service and enhance the ability of NetLojix's customers to receive a broader range of innovative products and services. The Acquisition will therefore serve to enhance the overall capability of First Choice to compete in the marketplace and to provide telecommunications services for a greater number of consumers at competitive rates. Grant of this Application clearly will promote competition in the interstate and international long distance telecommunications markets and will serve the public interest.

I. INFORMATION REQUIRED BY SECTION 63.24

This Application seeks authority to transfer/assign the telecommunications assets of NetLojix, which holds authority pursuant to section 214 of the Act to provide domestic interstate and international telecommunications service, to First Choice. Section 63.24(e)(2) of the

¹ NetLojix holds domestic and international authority pursuant to section 214 of the Act. Authority was granted in File No. ITC-214-19991018-00659.

First Choice holds domestic and international authority pursuant to section 213 of the Act. Authority was granted in File No. ITC-214-20040616-00232.

Commission's rules requires that an application for a substantial transfer of control of a carrier holding international section 214 authority include the following information, as described in section 63.18:

- (a) The name, address and contact number of the transferor is:

NetLojix Telecom, Inc.
7001 Boulevard 26, #323
North Richland Hills, TX 76180
Ph. (805) 884-6395

The name, address and contact number of the transferee is:

First Choice Technology, Inc.
601 North Orlando Avenue, Suite 211
Maitland, FL 32751
Ph. (407) 629-0950

The name, address and contact number of the holder of section 214 authorities is:

NetLojix Telecom, Inc.
7001 Boulevard 26, #323
North Richland Hills, TX 76180
Ph. (805) 884-6395

- (b) NetLojix Telecom, Inc. is a Delaware corporation.
First Choice Technology, Inc. is Delaware corporation
- (c) Correspondence concerning this Application should be addressed to:

Leon L. Nowalsky
Nowalsky, Bronston & Gothard
3500 N. Causeway Blvd., Suite 1442
Metairie, LA 70002
Phone: (504) 832-1984
Fax: (504) 831-0892
Email: lnowalsky@nbglaw.com

- d) NetLojix was granted authority in File No. ITC-214-20060508-00266.

Responses (e) through (g) are not applicable to this Application.

- (h) The following are the names, addresses, citizenship, and principal businesses of any person or entity that will directly or indirectly own at least ten percent of the equity of the applicants. There will be no interlocking directorates with any foreign carrier.

NetLojix Telecom, Inc.

NetLojix Communications, Inc., Parent

Address: 7001 Boulevard 26 #323, North Richland Hills, TX 76180

Citizenship: United States

Principal Business: Holding Company

Percent Ownership: 100%

Netlojix Communications, Inc. does not own a 10% or greater ownership or equity interest in any other telecommunications companies.

Anthony Papa, Owner

Address: 68 Alameda Padre Serra, Santa Barbara, CA 93103

Citizenship: United States

Principal Business: Telecommunications

Percent Ownership: 50%

Anthony Papa does not own a 10% or greater ownership or equity interest in any other telecommunications companies

Jim Pisani, Owner

Address: 10699 Braeburn Road, Barrington Hills, IL 60010

Citizenship: United States

Principal Business: Telecommunications

Percent Ownership: 50%

Jim Pisani does not own a 10% or greater ownership or equity interest in any other telecommunications companies

First Choice Technology, Inc.

Scott Howsare, President

Address: 7001 Boulevard 26, #323, North Richland Hills, TX 76180

Citizenship: United States

Principal Business: Telecommunications

Percent Ownership: 33.3%

Scott Howsare does not own a 10% or greater ownership or equity interest in any other telecommunications companies.

Leon Nowalsky

Address: 3500 N. Causeway Blvd. #1442, Metairie, LA 70002

Citizenship: United States

Principal Business: Attorney at Law

Percent Ownership: 33.3%

Leon Nowalsky does not own a 10% or greater ownership or equity interest in any other telecommunications companies.

Robert Sorrentino

Address: 1800 Pembroke Drive, Suite 300, Orlando, FL 32810

Citizenship: United States

Principal Business: Telecommunications

Percent Ownership: 33.3%

Robert Sorrentino, owns 10% or greater ownership or equity interest in Reduced Rate Long Distance, LLC, Reliant Communications, Inc., Horizon Telecom, Inc. and Advantage Telecommunications Corp.

- (i) Applicants certify that they are not, and following the proposed transaction will not be, affiliated with any foreign carrier within the meaning of section 63.09(d) and (e).
- (j) The Applicants certify that they do not seek authority to provide service to any country described in paragraphs (1) through (4) of section 63.18(j).
- (k) Not applicable.
- (l) Not applicable.
- (m) Not applicable.
- (n) Applicants certify that they have not agreed to accept special concessions directly or indirectly from any foreign carrier with respect to any U.S. international route where the foreign carrier possesses market power on the foreign end of the route and will not enter into such agreements in the future.
- (o) Applicants certify that no party to the Application is subject to a denial of Federal benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988.
- (p) This international section 214 Application qualifies for streamlined processing pursuant to section 63.12 because the applicants are not affiliated with any foreign carriers; are not affiliated with any dominant U.S. carriers whose international switched or private line services the applicant seeks authority to resell; and do not seek authority to provide switched basic services over private lines to a country for which the Commission has not previously authorized the

provision of switched services over private lines. This Application therefore should be granted, pursuant to section 63.12(a), fourteen days after the date of public notice listing this Application as accepted for filing.

II. ADDITIONAL INFORMATION REQUIRED BY SECTION 63.04

This Application seeks Commission consent to transfer/assign control of substantially all of the telecommunications assets of NetLojix, which holds authority to provide domestic and international telecommunications services pursuant to section 214 of the Act. Pursuant to section 63.04(b) of the Commission's rules, the parties submit the following information in support of this Application in response to items 6 through 12 of section 63.04(a):

6) As set forth above, this Application seeks Commission consent to transfer/assign control of substantially all of the telecommunications assets of NetLojix to First Choice. As a result of the transfer, NetLojix will operate and provide service pursuant to the authority of First Choice, the assignment of which is being sought through this Application.

7) [intentionally omitted]

8) This Application qualifies for streamlined processing under section 63.03(b)(2)(I) because the transferee will have a market share in the interstate interexchange market of less than 10 percent, the transferee will provide competitive telephone exchange services or exchange access services exclusively in geographic areas served by a dominant local exchange carrier that is not a party to the proposed transaction, and no party to this Application is dominant with respect to any service.

(9) The parties will file a slamming certification letter with the Commission, if necessary.

(10) Only standard streamlined processing of this domestic section 214 transfer of control application is sought pursuant to Section 63.03.

(11) No waiver requests are being filed in conjunction with the transaction.

(12) As discussed above, grant of this Application will strengthen First Choice as the post-transaction company will become a stronger competitor in the marketplace for interstate and international telecommunications services. The customers of NetLojix will benefit from First Choice's resources and assets, which will help ensure continuity of service and enhance the ability of First Choice to offer a broader range of innovative products and services to customers. Grant of this Application will promote competition in the domestic interexchange and international telecommunications markets and will serve the public interest.

III. CONCLUSION

For the foregoing reasons, this Application respectfully requests that the Commission consent to the transfer/assignment of control of NetLojix to First Choice.

Respectfully submitted,



Leon L. Nowalsky/*m*

Nowalsky, Bronston & Gothard, APLLC

3500 N. Causeway Blvd. #1442

Metairie, Louisiana 70002

Counsel for NetLojix Telecom, Inc. and
First Choice Technology, Inc.

STATE OF

FLORIDA

COUNTY OF

ORANGE

VERIFICATION

I, Scott Howsare, am the President of First Choice Technology, Inc., and am authorized to make this verification on its behalf. The statements made in the foregoing Application are true of my own knowledge, except as to those matters which are therein stated on information and belief, and as to those matters I believe them to be true.

By: _____

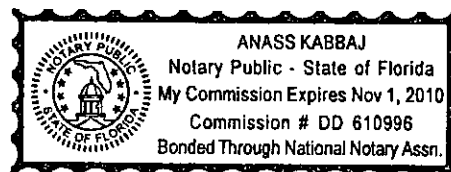
Name: Scott Howsare

Title: President

Sworn to and subscribed before me, Notary Public, in and for the State and County named above, this 14 day of November, 2008.

Notary Public

My commission expires: NOV 1, 2010.



STATE OF California
COUNTY OF Santa Barbara

VERIFICATION

I, Gregory J. Wilson, am the Chief Financial Officer of Netlojix Telecom, Inc., and am authorized to make this verification on its behalf. The statements made in the foregoing Application are true of my own knowledge, except as to those matters which are therein stated on information and belief, and as to those matters I believe them to be true.

By: 
Name: Gregory J. Wilson
Title: Chief Financial Officer

Sworn to and subscribed before me, Notary Public, in and for the State and County named above, this ____ day of November, 2008.

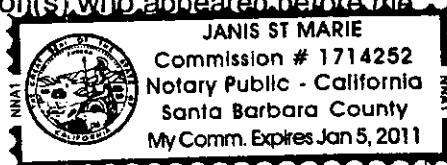
Notary Public

My commission expires:

State of California
County of Santa Barbara

Subscribed and sworn to (or affirmed) before me on this 26
day of November, 2008, by Gregory J. Wilson

proved to me on the basis of satisfactory evidence to be the
person(s) who appeared before me



(Seal)

Signature

Janis St. Marie